



# Department of Defense DIRECTIVE

NUMBER 5120.18

October 2, 1997

---

---

DA&M

SUBJECT: DoD Concessions Committee

References: (a) DoD Directive 5120.18, "DoD Concessions Committee," April 8, 1980 (hereby canceled)  
(b) Section 113 of title 10, United States Code

## 1. REISSUANCE AND PURPOSE

This Directive reissues reference (a); establishes the DoD Concessions Committee in accordance with reference (b); and prescribes the Committee's organization, responsibilities, and functions. The DoD Concessions Committee provides for the administration of certain services that, for the convenience of the Government, are necessary and that benefit the health, morale, and welfare of DoD employees in the National Capital Region (NCR).

## 2. APPLICABILITY AND SCOPE

2.1. This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Defense Agencies in the NCR, and the DoD Field Activities in the NCR (hereafter referred to collectively as "the DoD Components").

2.2. Activities on military installations in the NCR are excluded from this Directive.

## 3. ORGANIZATION

The DoD Concessions Committee shall be composed of the following members:

3.1. Civilian Chairperson, appointed by the Secretary of Defense or designee.

3.2. Two representatives (one of whom may be military) from each of the Military Departments, appointed by the Secretary of the Military Department or designee.

3.3. A senior management official from Washington Headquarters Services (WHS).

3.4. Legal Counsel from WHS to serve as a non-voting advisor.

#### 4. RESPONSIBILITIES

4.1. The Director of Administration and Management, Office of the Secretary of Defense, shall:

4.1.1. Supervise and monitor the functioning of the Committee.

4.1.2. Approve the minutes of Committee meetings.

4.1.3. Approve all contractual instruments of the Committee. Such instruments shall not become binding and effective until they are approved by the Director of Administration and Management, Office of the Secretary of Defense (DA&M, OSD), and each such instrument shall contain a clause to that effect.

4.1.4. Finally decide, on behalf of the Secretary of Defense, all appeals of protests to Concessions Committee solicitations and/or contracts addressed by the Chairperson of the Committee.

4.2. The Chairperson of the Committee shall ensure that:

4.2.1. Restaurants, cafeterias, snack bars, and dining rooms in DoD-controlled and DoD-occupied, General Services Administration-controlled, buildings are operated by the Committee or by an independent contractor.

4.2.2. Commercial-type concessions and services and such other services and facilities considered necessary to promote the health, morale, welfare, and productivity of the military members and civilian employees of the Department of Defense in the NCR are provided.

4.2.3. All protests to Concessions Committee solicitations and/or contracts are properly considered and addressed.

4.3. The Business Manager of the Committee shall ensure that:

4.3.1. The Committee shall keep true accounts of the money received and expended during the course of conducting its business; of the source of its receipts and the reasons for its expenditures; and of the assets, credits, and liabilities accrued or incurred in the course of its business.

4.3.2. The system of accounts shall be double-entry, and shall be maintained in accordance with generally accepted accounting principles.

4.3.3. Accounts and records of the Committee shall be audited at least annually by independent accountants.

4.3.4. The Committee shall pay WHS the fees associated with the use of space occupied by activities of, or under the supervision of, the Committee.

4.3.5. When reimbursable services are performed by the Department of Defense or other Government Agencies, the Committee shall pay for such services.

4.3.6. An annual report of the Committee's financial condition shall be transmitted to the Secretary of Defense through the DA&M, OSD.

4.3.7. Copies of recurring financial statements shall be furnished to the DA&M, OSD, with minutes of meetings where they were considered and accepted by the DoD Concessions Committee.

## 5. FUNCTIONS

Subject to the approval of the DA&M, OSD, the Concessions Committee shall:

5.1. Staff and maintain its internal organization. It may employ administrative and clerical assistants, one of whom shall be designated the Business Manager, to conduct Committee affairs. These assistants shall be compensated from non-appropriated funds available to the Committee.

5.2. Enter into, make, and amend contracts, as an instrumentality of the United States, using non-appropriated funds, to carry out its functions and responsibilities.

This authority may be delegated by the Committee to the Chair or to the Business Manager. Such delegation shall be recorded in writing in the minutes of the meetings of the Committee and may not be redelegated.

5.3. Operate or provide for the operation of food service facilities and provide for such commercial concessions and other services in accordance with this Directive.

5.4. Determine the best method to maintain and to secure necessary food service facilities, concessions, and other services. Coordinate necessary real property upgrades, modifications, and use changes with the Director, Real Estate and Facilities, WHS.

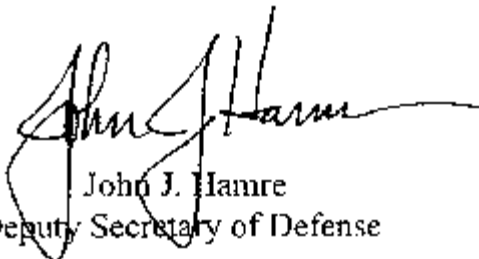
5.5. Make payments out of retained earnings from concession and other operations conducted under the supervision of the Committee to authorized welfare and recreation funds of the DoD Components. The amount of such payments shall be prorated among the DoD Components as determined by the Committee.

5.6. Deposit into the Treasury of the United States all funds not required in the conduct of the Committee's business or paid to welfare funds in accordance with subsection 5.5., above. The Treasury of the United States shall be the successor in interest for all funds of the DoD Concessions Committee.

5.7. Keep minutes of all meetings.

## 6. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre  
Deputy Secretary of Defense